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LAW OFFICES OF JAMES D. IVEY 3025 Totterdell Street Oakland, CA 94611-1742			LIANG, REGINA	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/020,572  
Filing Date: December 12, 2001  
Appellant(s): WILLIAMS, ROLAND E.

**MAILED**  
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Technology Center 2600

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James D. Ivey  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/10/05.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement A that claims 9 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27 stand or fall together and a statement B that all claims 9-29 stand or fall together.

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

6,597,345	Hirshberg	07-2003
6,011,554	King et al	01-2000

***(10) Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 9, 10, 12, 13, 16, 17, 19, 20, 23, 24, 26, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoeksma (US. PAT. NO. 6,271,835).

As to claims 9, 16, 23, Fig. 2 of Hoeksma discloses an input device comprising detecting a first type of actuation of the key (in Fig. 2, press a key 223 in upper left hand figure), in response to the detecting of the first type of actuation, displaying a representation of the two or more symbols (characters M, N, O, P, Q and R are displayed in upper right hand figure of Fig. 2), detecting a second type of actuation of the key (press the key 223 again), and selecting a selected one of the two or more symbols in accordance with the second type of actuation (character O is selected).

As to claims 10, 17, 24, the first type of actuation includes pressing the key.

As to claims 12, 13, 19, 20, 26, 27, the key is a virtual key realized in a touch-sensitive device which including a touch-sensitive screen and the first type of actuation includes touching the virtual key within the touch sensitive device.

2. Claims 9-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirshberg (US. PAT. NO. 6,597,345) in view of King et al (US. PAT. NO. 6,011,554 hereinafter King).

As to claims 9, 16, 23, Hirshberg discloses an input device comprising detecting a first type of actuation of the key (touch a key), detecting a second type of actuation of the key

(move/tilt up, down, left or right when touch the key), and selecting a selected one of the two or more symbols in accordance with the second type of actuation (col. 5, lines 31-51 for example). Hirshberg does not disclose displaying a representation of the two or more symbols in response to the detecting of the first type of actuation. However, King teaches a display screen 53 displaying a representation of the two or more symbols in the selection list 76 in response to the detecting of the user pressing a key (the first type of actuation, see Fig. 8A, and col. 22, lines 38). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hirshberg to display a representation of the two or more symbols in response to the detecting of the first type of actuation as taught by King such that the multiple symbols are provided to the user in the selection list of the display thereby maximizes the efficiency and accuracy of text entry.

As to claims 10, 17, 24, Hirshberg teaches the first type of actuation includes pressing the key ((col. 5, lines 53-55).

As to claims 11, 18, 25, Hirshberg teaches the second type of actuation includes rocking (tilt) the key (44-50).

As to claims 12, 13, 19, 20, 26, 27, Hirshberg teaches the key is a virtual key realized in a touch sensitive device which including a touch sensitive screen (col. 5, lines 31-34).

As to claims 14, 21, 28, Hirshberg teaches the second type of actuation is a sliding (moving) along the touch sensitive device.

As to claims 15, 22, 29, Hirshberg teaches moving (navigating) through the characters according to the second type of actuation of the key.

***(11) Response to Argument***

Appellant's remarks regarding Hoeksma on page 4 are not persuasive. Appellant's claims does not preclude the situation when the user presses the key 223 to display the symbols of M, N, O, P, Q and R and then pressing the same key 223 (same position) again to unambiguously enter the letter "O". Appellant's claims also do not require the first type of actuation to be different from the second types of actuation of a key, thus, Hoeksma teaches pressing the key 223 to display the symbols of M, N, O, P, Q and R and then pressing the same key 223 (same position) again to unambiguously enter the letter "O", which reads on the claims.

Appellant's remarks regarding the combination of Hirshbert and King on pages 5-6 are not persuasive. First, in response to applicant's argument on page 5, lines 5-10 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the multiple symbols are displayed to the user in the selection list for providing visual feedback to the user which maximizes the efficiency and accuracy of text entry such that the small electronic device would benefit from accurate and high-speed text entry.

Appellant's allegation regarding King's "two-stroke" and "multiple-stroke" interpretation on page 5, lines 11-21 are not persuasive. Appellant's remarks attack the references individually in a 103 rejection is improper since applicant cannot show non-obviousness by attacking the

references individually where, as the rejections are based on combination of references. King is used to teach when a user press a key, the symbols associated with the key are displayed in the selection list of the display screen. The "two-stroke" operation such as two type of actuation of the key is taught by Hirshberg. Therefore, when Hirshberg and King is combined one would obviously provide a display of a list of characters in order to provide visual feedback to help the user select the proper or correct symbol/character for text entry.

Appellant's remarks in the paragraph bridging page 5 to page 6 line 8 are not persuasive. As discussed above, and in the rejection the use of a visual feedback helps in selecting the proper character and obtain accurate and high-speed text entry is maximizing the efficient of text entry.

In response to applicant's argument page 6 lines 9-15 of the Brief that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Therefore, for the same reasons as above, claims 10-29 are not allowable over Hirshberg and King et al.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,  
  
Regina Liang  
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rl  
March 21, 2005

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